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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 MARIO WILSON,

10 Plaintiff,

11 v.

12 GARY WAKEMAN,

13 Defendant.

14 CASE NO. 3:23-cv-05931-JHC-GJL

15 **ORDER ADOPTING REPORT
16 AND RECOMMENDATION**

17 The Court, having reviewed the Report and Recommendation (R&R) of Magistrate Judge
18 Grady J. Leupold, Dkt. # 41, any objections to the R&R, responses, and the remaining record,
19 does hereby find and ORDER:

20 (1) Plaintiff did not object to the R&R. The Court has reviewed the R&R de novo.
21 The Court ADOPTS the R&R except as to Parts IV.C and IV.D. The Court need
22 not reach the issues of qualified immunity or whether Plaintiff has a cause of
23 action for damages because Plaintiff's claims fail on the merits.

24 (2) Defendant's Motion for Summary Judgment (Dkt. 26) is GRANTED, and
25 Plaintiff's Motion for Summary Judgment (Dkt. 25) is DENIED.

26 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for
27 Defendant, and to the Hon. Grady J. Leupold.

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1 **DATED** this 19th day of March, 2025.
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John H. Chun

JOHN H. CHUN
United States District Judge